

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

**GOVERNMENT EMPLOYEES
INSURANCE CO., et al.,**

Plaintiffs,

v.

Case No.: 8:20-cv-802-KKM-AAS

**THE RIGHT SPINAL CLINIC, INC.,
et al.,**

Defendants.

_____/

ORDER

Plaintiffs Government Employees Insurance Co., GEICO Indemnity Co., GEICO General Insurance Company, and GEICO Casualty Co. (collectively, GEICO) moves the court, under Rule 64 of the Federal Rules of Civil Procedure and Florida Statutes § 77.03, to issue a post judgment writ of garnishment against Defendants The Right Spinal Clinic, Inc, Yunied Mora-Jimenez, Alexis Garcia-Gamez, and Lianny Jimenez-Urdanivia (collectively, the Right Spinal Defendants). (Doc. 364).

Under Fed. R. Civ. P. 64, a party is entitled to every remedy that is available under the law of the state where the court is located to seize a person or property in order to satisfy a judgment. Rule 69 provides that a money

judgment is enforced by a writ of garnishment. Fed. R. Civ. P. 69(a)(1). “The procedure on execution . . . must accord with the procedure of the state where the court is located, but a federal statute governs to the extent it applies.” *Id.* Florida law provides a right to a writ of garnishment to judgment creditors to help satisfy a money judgment. Fla. Stat. § 77.01. To obtain a writ of garnishment, the judgment creditor must file a motion stating the amount of the judgment. Fla. Stat. § 77.03. The writ must direct the garnishee to answer the writ within twenty days and state the amount named in the judgment creditor’s motion. Fla. Stat. § 77.04.

GEICO filed this action on April 7, 2020 against the Right Spinal Defendants, and their co-defendants. (Doc. 1). On January 21, 2022, GEICO moved for summary judgment against the Right Spinal Defendants. (Doc. 278). On July 6, 2022, the court granted in part GEICO’s summary judgment motion. (Doc. 292). On April 27, 2023, based on the summary judgment order, the Clerk of Court entered a final judgment against the Right Spinal Defendants for \$690,251.44. (Doc. 350). The judgment remains outstanding and unsatisfied. According to GEICO, Right Spinal maintains at least one business bank account at J.P. Morgan Chase Bank, N.A. (Garnishee).

GEICO’s Motion for Writ of Garnishment (Doc. 364) is **GRANTED**. The Clerk of Court must issue a writ of garnishment to the named garnishee using

the form attached to GEICO's motion (Doc. 364-1). GEICO must include with the writ copies of:

- a. GEICO's Motion for Writ of Garnishment (Doc. 364),
- b. this Order, and
- c. the Judgment (Doc. 350).

ORDERED in Tampa, Florida on August 14, 2023.

A handwritten signature in black ink, reading "Amanda Arnold Sansone". The signature is written in a cursive, flowing style.

AMANDA ARNOLD SANSONE
United States Magistrate Judge